

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 14 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JORDAN MARKS, individually and on
behalf of all others similarly situated,

Plaintiff-Appellant,

v.

CRUNCH SAN DIEGO, LLC,

Defendant-Appellee.

No. 14-56834

D.C. No.

3:14-cv-00348-BAS-BLM

Southern District of California,
San Diego

ORDER

Before: CALLAHAN, BEA, and IKUTA, Circuit Judges.

Submission is vacated and deferred pending the D.C. Circuit decision in
ACA International v. Federal Communications Commission, et al., No. 15-1211
(argued on October 19, 2016).